



IEW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.07US06

Stephen D. Kuslich

Confirmation No.: 2692

Application No.: 10/812,345

Examiner: Unknown

Filed: March 29, 2004

Group Art Unit: 3732

For: ANNULUS-REINFORCING BAND

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INFORMATION DISCLOSURE STATEMENT

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Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

Copies of the references were cited by or submitted to the Office in Patent Application No. 10/022,048, filed December 17, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these references are not attached. 37 C.F.R. § 1.98(d).

Respectfully submitted,



Wendy J. Cusick  
Registration No. 52,788

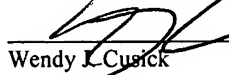
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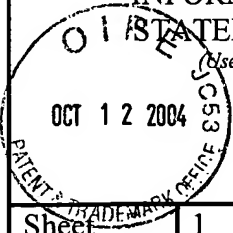
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/812,345
				Filing Date	March 29, 2004
				First Named Inventor	Kuslich
				Art Unit	3732
				Examiner Name	Unknown
Sheet	1	of	3	Attorney Docket Number	3110.07US06

U.S. PATENT DOCUMENTS				
EXAMINER INITIAL*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> <i>(if known)</i>		
		US-4,401,112	08-1983	Rezaian
		US-4,501,269	02-1985	Bagby
		US-4,743,256	05-1988	Brantigan
		US-4,772,287	09-1988	Ray
		US-4,820,305	04-1989	Harms et al.
		US-4,834,757	05-1989	Brantigan
		US-4,878,915	11-1989	Brantigan
		US-4,936,848	06-1990	Bagby
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		US-5,192,326	03-1993	Bao et al.
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		US-5,331,975	07-1994	Bonutti
		US-5,405,391	04-1995	Hendersen et al.
		US-5,489,307	02-1996	Kuslich
		US-5,489,308	02-1996	Kuslich

FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> <i>(if known)</i>			
		WO-99/02108	01-1999		
		WO-00/67650	11-2000		

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 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

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		Number-Kind Code <sup>2</sup> (if known)		
		US-5,514,180	05-1996	Heggeness et al.
		US-5,549,679	08-1996	Kuslich
		US-5,571,189	11-1996	Kuslich
		US5,591,235-	01-1997	Kuslich
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		US-5,735,899	04-1998	Schwartz et al.
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		US-5,972,031	10-1999	Biedermann et al.
		US-6,010,502	01-2000	Bagby
		US-6,015,436	01-2000	Schonhoffer
		US-6,039,762	03-2000	McKay
		US-6,127,597	10-2000	Beyar et al.
		US-6,332,894	12-2001	Stalcup et al.
		US-6,447,543	09-2002	Studer et al.
		US-		

### FOREIGN PATENT DOCUMENTS

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Sheet	3	of	3	Attorney Docket Number	3110.07US06

### NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		<i>Lumbar Interbody Cage Fusion for Back Pain: An Update on the BAK (Bagby and Kuslich) System</i> , S.D. Kuslich, <u>Spine State of the Art Reviews</u> 1999; 13 (2): 295-311.	
		<i>Summary of Safety and Effectiveness of the BAK Interbody Fusion System</i> , Food and Drug Administration (FDA) (PMA 95002), PMA Document Mail Center (HFZ-401), Center for Disease and Radiological Health, Washington DC, Sept. 20, 1996, pp. 4-21.	
		<i>Granular Solids, Liquids, and Gases</i> , by H.M. Jaeger, S.R. Nagel and R.P. Behringer, <u>Rev. Mod. Phys.</u> 68, pp. 1259-1273 (1996).	
		<i>The Tissue Origin of Mechanical Low Back Pain and Sciatica as Identified by Spinal Microsurgery</i> , S.D. Kuslich, <u>Orthop. Clin. North. Amer.</u> , pp. 595-600 (1991).	
		<i>The Bak (Bagby and Kuslich) Method of Lumbar Interbody Fusion</i> , Kuslich et al., <u>SPINE</u> , 23:1267-1279 (1998).	

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